

**CONSUMER GRIEVANCE REDRESSAL FORUM – URBAN LEVEL
NOIDA POWER COMPANY LIMITED
GREATER NOIDA**

IN THE MATTER OF:

COMPLAINT NO. UF/17/2024

Anu Manglani

...Complainant

Versus

Noida Power Company Limited & Ors

...Opposite Parties

Quorum:

1. Shri Jitendra Kumar Dhamat (Chairman)
2. Smt. Veenita Marathia (Independent Member)
3. Shri Mulendra Kumar Sharma (First Nominated Member)
4. Shri Satya Prakash Sharma (Second Nominated Member)



Appearance:

1. AR for the Complainant Present
2. Counsel on behalf of Red Sky Maintenance Services Pvt Ltd Present.
3. Shri Kapil Dev Sharma, Senior Manager (Legal) on behalf of Noida Power Company Limited

Judgement:

Date of Hearing: 31-01-2025

Date of Order: 07-02-2025

Order Pronounced By: Smt. Veenita Marathia

1. On January 31, 2025, the Complainant filed an application seeking impleadment of Red Sky Maintenance Services Pvt. Ltd. as Respondents No. 5 and 6 in the present matter. The application has been necessitated due to the substitution of Respondents No. 3 and 4 by the new maintenance agency in October 2024, during the pendency of the case.
2. Impleadment Application Allowed.

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3. This Forum has gone through the pleadings. The Complainant has alleged in its complaint that the Maintenance Agency had twice disconnected the electricity and are trying to further disconnect the electricity supply on the pretext of non-payment of maintenance charges, which includes electricity charges also.
4. The Maintenance Agency had pointed out during the course of first hearing that the present matter is already pending adjudication before the Hon'ble Senior Civil Judge, Patiala House Court, New Delhi in the case titled CS SCJ 316/2020 and this Forum has no jurisdiction to hear this present complaint. This Forum, after hearing the Complainant and the Maintenance Agency, granted a stay on the disconnection of the electricity supply. Thereafter, the Complainant and the Maintenance Agency have jointly submitted before this Forum that the issue will be resolved amicably, however; no such consensus has arrived yet.
5. The Maintenance Agency has not filed its reply in this matter. Noida Power Company Limited (hereinafter referred to as the **NPCL**) has submitted the relevant part of the Tariff Order and CGRF Regulations, 2022 which specify that the electricity supply cannot be disconnected on any other pretext apart from non-payment of electricity charges. NPCL clarified that it is an inter-se dispute between the Complainant and the Maintenance Agency. NPCL also submitted that M/s Ansal Properties & Infrastructure Ltd is its Single Point Bulk Load Consumer vide Consumer No. 200039600. Additionally, NPCL clarified that it does not have a contractual relationship with the Maintenance Agency and only acknowledges M/s Ansal Properties & Infrastructure Ltd as its deemed franchisee, by virtue of Tariff Orders issued periodically by the Hon'ble State Commission. NPCL further requested the Complainant to Implead M/s Ansal Properties & Infrastructure Ltd., as a necessary party in this ongoing complaint.
6. NPCL has also pointed out that CGRF Regulations 2022, specifically bars this Forum from entertaining a complaint where the same subject matter is already under consideration by a competent court, authority or any other Forum. The relevant part of Clause 3.10 (b) of Regulations 2022 is reproduced below:

"Clause 3.10:

.....



AM *[Signature]* *[Signature]* *[Signature]*

b) *The Forum shall not entertain a complaint if it pertains to the same subject matter for which any proceedings before any competent court, authority or any other Forum is pending or any competent court, authority or Forum has already passed a decree, award or a final order.*

.....”

In light of the above, this Forum is of the view that the Hon'ble State Commission in its Tariff Order issued from time to time has already directed the following:

“The deemed franchisee shall not disconnect the supply of electricity of its consumers on the pretext of defaults in payments related to other charges except for the electricity dues regarding the electricity consumed by its consumers and electricity charges for lift, water lifting pump, streetlight if any, corridor/campus lighting and other common facilities”

Therefore, it is evident that the electricity connection shall be disconnected only on account of non-payment of electricity charges and nothing else.

7. Upon bare perusal of the complaint, it is clear that this dispute pertains to Common Area Maintenance (CAM) charges between the Complainant and the Maintenance Agency. This Forum's jurisdiction, however, is limited to matters solely related to electricity charges and does not extend to disputes involving CAM charges. Specifically, this Forum's jurisdiction covers issues arising from non-payment of electricity charges related to electricity consumption for lifts, water pumps, street lighting, corridor or campus lighting and other common facilities.

Without delving into the merits of the case, and considering that the matter is already pending adjudication before the Ld. Senior Civil Judge, Patiala House Court, New Delhi, in CS SCJ 316/2020, the present Complaint is hereby disposed of in light of the Tariff Order and the CGRF Regulations 2022.

Accordingly, M/s Ansal Properties & Infrastructure Ltd and its Maintenance Agency are directed to ensure that the electricity supply to the Complainant is not disconnected on account of any charges other than electricity dues related to the consumption of electricity by its consumers, and electricity charges for essential common facilities such as lifts, water lifting pumps, streetlights (if any), corridor/campus lighting, and other shared amenities.



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Furthermore, any disconnection must strictly follow the due process of law. **M/s Ansal Properties & Infrastructure Ltd and its Maintenance Agency** are instructed to submit a compliance report to NPCL within seven days from the date of this order.

The Complainant if aggrieved by this order can approach the Company Level/Hon'ble Electricity Ombudsman, Lucknow as provided in the CGRF Regulations, 2022.

The Complaint is disposed in the afore-mentioned manner.

Jitender Kumar Dhamat
(Chairman)

अध्यक्ष
उपभोक्ता व्यथा निवारण फोरम
शहरी स्तर, ग्रेटर नोएडा

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(Independent Member)

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